

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MTGLQ INVESTORS, L.P.,

Plaintiff,

v.

JERRY K. WALDEN, JR. and TAMATHA
WALDEN,

Defendants.

§
§
§
§
§
§
§
§
§

1:19-CV-992-RP

ORDER

Before the Court is Plaintiff MTGLQ Investors, L.P.'s ("MTGLQ") Motion for Attorney's Fees. Having considered MTGLQ's motion, the record, and the relevant law, the Court will grant the motion.

I. BACKGROUND

On October 14, 2020, United States Magistrate Judge Andrew W. Austin submitted a report and recommendation to the Court to deny Defendants Jerry K. Walden, Jr. and Tamatha Walden's (together "Defendants") motion to dismiss, (Dkt. 7), and to grant MTGLQ's motion for summary judgment, (Dkt. 12). (Dkt. 35). Defendants timely filed objections to the report and recommendation. (Objs., Dkt. 38). As a result, the Court reviewed the report and recommendation de novo and subsequently adopted it as its own order. (Dkt. 42). On October 14, 2020, the Court entered final judgment. (Dkt. 43).

Pursuant to the Local Rules, on March 12, 2019, Defendant filed its Motion for Attorney's Fees, (Dkt. 44), and billing statements, (Dkt. 44-1), within fourteen days of judgment having been entered. Although Defendants did not submit a response timely or otherwise, this Court nonetheless will evaluate MTGLQ's Motion for Attorney's Fees on the merits.

II. DISCUSSION

MTGLQ seeks \$19,993.61 in attorney's fees and costs. (Mot. Att'y Fees, Dkt. 44, at 2). Section 38.001(8) of the Texas Civil Practice and Remedies Code provides for recovery of reasonable attorney's fees for a valid claim for an oral or written contract. § 38.001(8). Because the MTGLQ's claim pertained to a written contract, MTGLQ may recover reasonable fees. *See HSBC Bank USA, N.A. v. Wallace*, No. 6:15-CV-473, 2016 WL 7664307, at *3 (E.D. Tex. Oct. 21, 2016), report and recommendation adopted, No. 6:15-CV-473, 2017 WL 67987 (E.D. Tex. Jan. 6, 2017).

Having reviewed a copy of MTGLQ's billing statements of attorney's fees and MTGLQ Attorney Mark D. Cronenwett's declaration stating that the requested fees are reasonable for claims of this nature, the Court determines the fees to be reasonable. (*See* Mot. Att'y Fees, Dkt. 44-1). Additionally, Defendants did not object to MTGLQ's request for fees. The Court therefore will award MTGLQ its costs and fees.

III. CONCLUSION

For the reasons given above, MTGLQ's Motion for Attorney's Fees, (Dkt. 44), is **GRANTED**. MTGLQ is entitled to reimbursement of reasonable attorney's fees and costs in the amount of **\$19,993.61**.

SIGNED on December 18, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE